

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

v.

ESTEVEN MATOS,

Defendant.

21-CR-91 (JLS)

DECISION AND ORDER

On June 3, 2021, a grand jury returned an indictment charging Defendant Esteven Matos with a narcotics conspiracy and related drug charges. Dkt. 32. United States Magistrate Judge Jeremiah J. McCarthy was designated to hear and determine, and report and recommend on, all pre-trial proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Dkt. 34.

On August 14, 2021, Defendant filed various discovery motions. Dkt. 42. The government responded in opposition to Defendant's motions (Dkt. 42) on October 27, 2021. Dkt. 45. In its opposition, the government moved for reciprocal discovery pursuant to Rule 16(b) of the Federal Rules of Criminal Procedure. *Id.* at 29. Defendant did not reply.

On June 6, 2022, Defendant filed a motion to suppress evidence seized from the search of a parcel and a search of his parent's residence. Dkt. 57. The government responded in opposition to Defendant's motion to suppress (Dkt. 57) on June 20, 2022. Dkt. 58. Defendant replied June 27, 2022. Dkt. 59.

The Court held oral argument on July 18, 2022. Dkt. 63. The parties thereafter filed supplemental submissions related to Defendant's motions. Dkt. 64, 65, 69, 70, 73, 74. In his August 1, 2022, submission (Dkt. 70), Defendant identified discovery issues set forth in his omnibus motion (Dkt. 42) that remain in dispute. *See* Dkt. 70.

On September 2, 2022, Judge McCarthy issued a combined Report, Recommendation, and Order. Dkt. 75. With respect to Defendant's omnibus motion (Dkt. 42), the Court: (1) denied Defendant's motion for various forms of discovery under Fed. R. Civ. P. 16; (2) denied Defendant's motion for *Brady/Giglio* and Jencks Act Material; (3) denied, without prejudice to renew before this Court, Defendant's motion for preservation of rough notes; (4) denied Defendant's motion for disclosure of Grand Jury minutes; (5) denied Defendant's motion for a Bill of Particulars; (6) granted, to the extent consistent Fed. R. Civ. P. 12(c)(3), Defendant's motion for leave to raise additional motions; and (7) denied as premature Defendant's motion for leave to file additional motions with this Court. *Id.* at 19-27. The Court granted the government's motion for reciprocal discovery. *Id.* at 27.

In addition, Judge McCarthy recommended that this Court deny Defendant's suppression motion (Dkt. 57). *Id.* at 4-19. Defendant filed objections to this recommendation on October 31, 2022. Dkt. 79. The government responded on November 14, 2022. Dkt. 82. And Defendant replied on November 21, 2022. Dkt. 83.

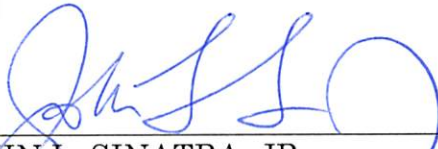
A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3).

This Court has carefully reviewed the thorough recommendation, the record in this case, the objections, response, and reply, and the materials submitted by the parties. Based on that *de novo* review, the Court accepts and adopts Judge McCarthy's recommendation.

For the reasons stated above and in Judge McCarthy's R&R, the Court DENIES Defendant's motion to suppress (Dkt. 57).

SO ORDERED.

Dated: November 29, 2022
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE